

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *

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MV ETHAN ALLEN, *

LAKE GEORGE, NEW YORK, *

OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001

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Interview of: LUCILLE O'BRIEN

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, D.C. 20594

The above-captioned matter convened, pursuant to
 notice.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER

National Transportation Safety Board

MAJ. STEVEN RIVENBURGH

New York State Park Police

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1 I N T E R V I E W

2 MS. BURER: My name is Mariette Burer with the
3 National Transportation Safety Board.

4 MS. O'BRIEN: Murial?

5 MS. BURER: Mariette, M-A-R-I-E-T-T-E, B-U-R-E-R.

6 MS. O'BRIEN: With the National Transportation Safety
7 board?

8 MS. BURER: That's correct.

9 MAJ. RIVENBURGH: And my name is Steve Rivenburgh
10 with the New York State Park Police.

11 MS. O'BRIEN: Rivenburgh?

12 MAJ. RIVENBURGH: Yes, that's Steve Rivenburgh.

13 That's S-T-E-V-E-N R-I-V-E-N-B-U-R-G-H. And I'm with the New
14 York State Park Police.

15 MS. O'BRIEN: New York State Park Police?

16 MAJ. RIVENBURGH: Yes, Ma'am.

17 INTERVIEW OF LUCILLE O'BRIEN

18 BY MS. BURER:

19 Q. Do you recall the location where you were sitting?

20 A. I was sitting near the front. The seats went around
21 the window. And there was a seat that went across, all the way
22 across. And then there was the seat with three on one side and
23 two on the other. I was sitting in the one with the two seat
24 on the right hand side.

25 Q. Were you by the window or by the aisle?

1 A. No, by the aisle.

2 Q. By the aisle. Okay.

3 A. The woman I was traveling with was by the window.

4 Q. Okay, what is her name?

5 A. Jean Salsiler.

6 Q. Okay, thank you. What I would like is for you to
7 tell me your story in your own words of what happened on
8 Sunday, October 2, 2005. You can take just the very beginning
9 of the day and just carry us through.

10 A. Well, most come into town and we got off the bus and
11 walked around for a few minutes and went to the restaurant and
12 had something to eat. Then we started back toward the bus and
13 the tour director told us that they had the boat there and that
14 we could ride on the boat. And that was around 2:30. And so
15 we went down and got on the bus, I mean on the boat. I'm
16 sorry.

17 Q. No, that's okay.

18 A. I mean on the boat.

19 Q. Right.

20 A. And then we started out and everybody got on but
21 three people. And then we started out on our tour and he was
22 explaining, you know, all the beautiful homes and everything
23 along the shore who built them and all of that. The next thing
24 I know, I was thrown off my seat and onto the floor to the
25 bottom of the boat.

1 Q. Okay.

2 A. And then all I remember was that I had floated up or
3 down or whatever I did, but I reached up and looking for an air
4 pocket and I couldn't find any. Then I saw the frame of the
5 window and how I did I don't know. I got out of it and I got
6 to the top of the water and then somebody was up there. One of
7 the men that was with us, he was up at the top and he kept
8 yelling for me to go over and get a hold of the boat. I
9 couldn't move, so he pushed me over there.

10 Q. Okay.

11 A. Then I was hanging onto the boat and then I saw Jean,
12 the lady I was with, I seen her grab a lifejacket. And she
13 grabbed a rope and got on someone's boat. I seen her on the
14 boat. And our tour director was on the boat laying on the boat
15 kind of, in front of me where I was hanging on. And then all
16 of sudden somebody said, the boat's tipping, the boat's
17 tipping. So, I grabbed Carol by the leg, our tour director,
18 and I told her to get her leg over the boat because it was
19 tipping. And she wasn't moving so I grabbed it and pulled it
20 over.

21 Q. Right.

22 A And the next thing I remember she was -- someone had
23 swam in and gave her a lifejacket. And then I don't remember
24 anymore until I -- I think I had a hold of the ski boat. And
25 then somebody kept telling me to grab a lifejacket but I was

1 afraid to let go and grab one because I don't swim. And then
2 someone jumped into the water and grabbed me and pulled me out
3 and put me on their boat.

4 Q. Okay.

5 A. And then we got to shore and they took me to the
6 hospital because I thought I had a broken rib. But when they
7 got me into the hospital they took all kinds of x-rays. And
8 they said nothing was broken but I don't know, it sure hurts.
9 That's all I can tell you I guess. And then I went home. My
10 kids came and got me and brought me home.

11 Q. Okay, and how long were you in the hospital for?

12 A. Just long enough -- well, after they took the x-rays
13 and checked them to make sure they were all right then they
14 took us into a waiting room. And then the bus from the hotel
15 come and got us.

16 Q. And so you did not stay overnight?

17 A. No, no.

18 Q. Okay, any other injuries?

19 A. Well, my leg is black and blue and butt, my arm, my
20 left arm is black and blue.

21 Q. Okay, do you recall of any of the other passengers
22 that were sitting either around you or behind you?

23 A. Well, only one thing, the one's that were in front of
24 me.

25 Q. Okay. And they were?

1 A. What was her name? The one sitting in front of me.
2 Carole and Joe Mahalak. And then our tour director was sitting
3 next to them. And Margie from our center, she was on the other
4 side up front on the boat.

5 Q. Okay.

6 A. But, I don't know who the other ones were. I don't
7 know people by names. I could never remember names. Those are
8 the only ones I can recall.

9 Q. Okay, when you -- how long -- refresh my memory.
10 Were you one of the first ones to board the vessel or one of
11 the last ones?

12 A. One of the first ones.

13 Q. Okay, do you remember where the captain was when you
14 actually got on board?

15 A. Well, he was standing there helping us get on.

16 Q. He was still on the dock?

17 A. No, he was standing partially on the boat and
18 partially on the dock helping us step across onto the boat.

19 Q. Okay, did you notice any conversations that he may
20 have had with other people besides from the passengers?

21 A. Well, I'm not sure. I couldn't say for sure. You
22 know, I thought I heard him say, that's all I can put on the
23 boat to wait for the next boat. And I think a couple of people
24 got on after that.

25 Q. Okay.

1 A. But, I'm not sure, I didn't see.

2 Q. Do you by any chance know if he checked off the
3 passengers or counted the passengers that boarded?

4 A. No, I couldn't say for sure. I think he did though,
5 but I couldn't honestly say. But I think he did. And I think
6 that was when he said, I can't take no more to take the boat,
7 take the other boat.

8 Q. Okay.

9 A. But I couldn't honestly say that, because I'm not
10 sure.

11 Q. And what is your impression? Can you describe to me
12 your impression of the boat itself?

13 A. It seemed like any other boat I've rode on for a tour
14 boat except it didn't have enough sailors.

15 Q. Is this a trip that you do very often with the
16 respect of actually taking tour boats?

17 A. Well, you know, I haven't taken a lot but I've only
18 taken maybe three.

19 Q. Right. Do you remember anything, as far as, a safety
20 briefing or lifejackets?

21 A. Well, I know that there was lifejackets in the seats
22 that the ones were sitting in that was kind of in front of us,
23 the one that went all the way across of the front of the boat.

24 Q. Okay.

25 A There was a thing right there that said there were

1 lifejackets in there.

2 Q. Okay, and you saw it with your own eyes?

3 A. Pardon.

4 Q. You saw the lifejackets with your own eyes?

5 A. They were in a box. It said on the box that they
6 were lifejackets.

7 Q. Okay, do you recall any kind of safety briefing at
8 all that was done?

9 A. No.

10 Q. Okay, did the boat feel stable to you when you first
11 got on the boat?

12 A. It did to me but I don't know that much about boats.
13 But, it seemed all right to me.

14 Q. Right. And did you have any difficulty as far as
15 getting on or off or getting on the boat?

16 A. No.

17 Q. Okay.

18 A No, because like I said, he was standing there with
19 one foot on the dock and one on the boat. He was helping us
20 in, so I didn't have any trouble at all.

21 Q. Right. Let's see. Can you tell me a little bit
22 about the seats?

23 A. They were like benches, they were anchored down to
24 the boat. And they were like park benches.

25 Q. Okay, and were they comfortable for you?

1 A. Well, I guess, as far as a park bench can be.

2 Q. Okay. Do you remember what you were wearing at the
3 time?

4 A. Yeah, I had a sweatshirt on and slacks.

5 Q. And do you remember the material that your slacks
6 were made of?

7 A. I don't know right off. Cotton, I guess.

8 Q. Okay, and you actually said at one point that you
9 were thrown?

10 A. Throwing?

11 Q. No, no, I'm backing up on this one. Okay, can you
12 tell me when you first noticed that something wrong?

13 A. When I slid off my seat onto the floor.

14 Q. Okay, did you have a good view of what was going on
15 outside?

16 A. I had no idea what was going on outside because I was
17 talking to the lady on the right hand side of me. Not the one
18 I was sitting with but the other one.

19 Q. Okay, okay.

20 A. So, I don't have any idea of what happened or
21 anything.

22 Q. Did you feel that during the whole trip -- did you
23 notice any other pleasure boats in the area?

24 A. Well, there was a lot of boats around on the lake,
25 because it was on a Sunday. And there was a lot of boats on

1 the lake.

2 Q. Right. Okay.

3 A. And I didn't pay much attention to any of them. I
4 was watching what the captain was talking about.

5 Q. And did you notice anything with regards to the
6 waters?

7 A. Oh, it was beautiful, just gorgeous. Just like
8 glass.

9 Q. Okay, did you hear any kind of foreign noises or
10 different noises during any part of the trip?

11 A. No.

12 Q. Okay, all right I'm going to go ahead and hand it
13 over. Okay, thank you.

14 BY MAJ. RIVENBURGH:

15 Q. Ms. O'Brien, this is Steven Rivenburgh again.

16 A. Okay.

17 Q. Do I hear grandchildren in the background?

18 A. Oh, yeah, that's my great granddaughter.

19 Q. Great granddaughter, okay. That's good. When you
20 were -- after you finished your lunch and you were headed down
21 to the boat, do you recall anything unusual or abnormal about
22 the boat about the way it looked?

23 A. It looked just like a tour boat to me, you know,
24 something that would take you down on the lake. So, looking
25 around sort of a flat bottom, you know what I mean. When I got

1 in it, it looked more like a platoon boat but you know, it was
2 a regular boat I guess, a tour boat or whatever you call them.

3 Q. Okay do you know if your bus driver was going to go
4 with you on this trip?

5 A. No.

6 Q. No, okay.

7 A. He always stays on the bus. He stays with the bus
8 most of the time except at night.

9 Q. Okay, you let him sleep in a tent, right?

10 A. (Laughter.) I imagine he has a room and he goes into
11 eat. Other than that I don't think he goes on any of the
12 tours.

13 Q. Okay, you mentioned that you heard the captain say
14 something to the effect, take the other boat?

15 A. Well, I thought I heard him say that. I wouldn't
16 swear to it because I don't know, I just -- I think I heard him
17 say, that is about all we can get in here you'll have to take
18 the next boat. And a couple of people got on after that.

19 Q. Okay, I'm just jotting that down. At any time did
20 you notice the captain talking with another captain or your
21 tour guide?

22 A. I didn't, no. As I said, I was up front and I was
23 talking to the lady that was sitting kitty corner, because she
24 said she was from Alpena, Michigan and that's where my mother
25 was born. I was interested in her.

1 Q. Okay, she was sitting on a bench seat I front of you?

2 A. Right.

3 Q. In the center?

4 A. No, right in the front.

5 Q. On the same side that you were sitting on?

6 A. Right.

7 Q. Okay. And you did tell Mariette that you did not
8 know the folks sitting to your left?

9 A. No, I didn't.

10 Q. Okay, and you don't know who was sitting behind you?

11 A. No.

12 Q. Okay, and you didn't know what happened until it
13 happened?

14 A. Right.

15 Q. Okay, that is all the questions that I have right
16 now. Thank you.

17 A. Okay.

18 MS. BURER: Ms. O'Brien, that is all that I have too.
19 So, thank you very much for your time and I'm going ahead and
20 conclude this interview.

21 (Whereupon, the interview in the above-entitled
22 matter was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MV Ethan Allen
 Lake George, New York,
 October 2, 2005
 Interview of Lucille O'Brien

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE:

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Peggy Daniels
Transcriber